

On motion of Senator Moore, the caption (as amended) was ordered changed to conform with the body of the bill as amended.

Senator Chadick offered the following amendment to the bill:

Amend H. B. No. 73 by striking out the words "to such an extent that his driving ability is affected" where single phrase appears on page one, in lines 45 and 46.

Question—Shall the amendment be adopted?

Recess

On motion of Senator Martin, the Senate, at 3:00 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

SIXTY-SIXTH DAY

Continued

(Tuesday, May 13, 1941)

The Senate met at 10:00 o'clock a. m. and was called to order by the President.

Reports of Standing Committee

Senator Ramsey, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
May 9, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 633, A bill to be entitled "An Act amending Article 7212, Revised Civil Statutes of Texas, 1925, providing that when the commissioners' courts of certain counties shall contract with an individual, firm, or corporation for the compilation of taxation data, the compensation of such individual, firm, or corporation may be paid on a pro rata basis from each county fund benefiting by the receipt of any taxes derived from such valuation; and declaring an emergency."

Have had the same under consideration, and we desire to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,
May 9, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 356, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties of road commissioner in addition to the duties of county commissioner; providing for the payment of the same; and declaring an emergency."

Have had the same under consideration, and we desire to report same back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

House Bill 199 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 199 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 199, A bill to be entitled "An Act to repeal Section 20 of Chapter 76 of Acts of 1931, Forty-fourth Legislature, Regular Session, as amended by Section 1, Chapter 15 of Acts 1937, Forty-fifth Legislature Regular Session, as amended by Section 1 of H. B. No. 831, page 500, of Acts 1939, Forty-sixth Legislature, Regular Session; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to third reading?

Senate Bill 93 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 93 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 93, A bill to be entitled "An Act amending Section 1 of S. B.

No. 135, Acts 1939, Forty-sixth Legislature, Chapter 6, so as to except therefrom associations not operated for profit, composed only of the members of a particular religious denomination which do not provide insurance benefits in excess of One Thousand (\$1,000.00) Dollars on any one person and do not pay any officer of the association a salary in excess of One Hundred (\$100.00) Dollars per month."

The bill was read second time and was passed to engrossment.

Senate Bill 93 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 93 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Nays—1

Aikin

Absent—Excused

Hill	Smith
Isbell	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the passage of the bill.

House Bill 199 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 199, known as the oil proration bill, on its passage to third reading.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 199, by striking out all below the enacting clause and inserting in lieu the following:

Section 1. Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1 of Chapter 15 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, and as amended by H. B. No. 851, Acts of the Regular Session of the Forty-sixth Legislature, is hereby amended so that same shall hereafter read as follows:

"Section 20. The provisions of this Act shall end and terminate September 1, 1943."

Sec. 2. All of the other Sections of said Chapter 76 shall remain and continue in full force and effect. No offense committed against, and no liability, penalty, or forfeiture, either civil or criminal, incurred on account of a violation heretofore of any or all of the provisions of said Chapter 76, and said amendments thereof, or any rules, regulations, or orders issued pursuant thereto, shall be discharged or affected by the amendment of Section 20 of said Act as so amended, but prosecutions and suits, and such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded with in all respects as if said Section 20, and said amendments thereof, had read in its original enactment the same as provided for in this Act, and the procedure prescribed in said Chapter 76 or in any other applicable existing laws shall be followed in all prosecutions and suits, now pending or hereafter instituted on account of such offenses, liabilities, penalties, or forfeitures.

Sec. 3. The importance renewing conservation laws of Texas creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

MOORE,
SHIVERS.

Question—Shall the amendment be adopted?

On motion of Senator Moore and by unanimous consent, the bill was withdrawn from further consideration by the Senate at this time.

Message from the House

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered the vote by which Conference Committee report on S. B. No. 282 was adopted and has then refused to adopt the Conference Committee report by a viva voce vote and referred the bill back to the Conference Committee for further consideration.

The House has concurred in Senate amendments to H. B. No. 391 by a vote of 118 yeas, 0 noes.

The House has refused to adopt the Conference Committee report on H. B. 76 and has referred the bill back to the Conference Committee for further consideration.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Resolution 131

Senator Lovelady, by unanimous consent, offered at this time the following resolution:

Whereas, Superintendent Harry Penson of the Hico Independent School District is in the gallery with the graduating class of 1941; now, therefore, be it

Resolved by the Senate of Texas, That the Senate express its pleasure at having these visitors, and extend to Superintendent Penson the privileges of the floor for the day; and, be it further

Resolved, That the Secretary of the Senate be directed to deliver a copy of this resolution to Superintendent Penson, and to the president of the graduating class.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Leaves of Absence Granted

Senator Hill was granted leave of absence for this morning on account of important business, on motion of Senator Moffett.

Senator Isbell was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Senate Bill 454 on Final Passage

Senator Kelley moved that the regular order of business be suspended to take up S. B. No. 454 on its final passage (the bill having been read third time on Friday, May 9, 1941).

The motion prevailed by the following vote:

Yeas—22

Brownlee	Lovelady
Chadick	Mauritz
Cotten	Metcalfe
Fain	Moffett
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Weinert
Lanning	Winfield
Lemens	York

Nays—3

Aikin	Shivers
Moore	

Absent

Beck	Vick
Martin	

Absent—Excused

Hill	Spears
Smith	

The President laid before the Senate on its final passage:

S. B. No. 454, A bill to be entitled "An Act extending oil and gas mineral leases granted by the State on areas covered by the coastal waters of the State or within the Gulf of Mexico in cases in which the War Department refuses to grant permits to the lessee or owner of the lease to drill thereon, providing for annual applications by the lessee to the War Department for permits, providing for the payment of rentals during the extended term of the lease, providing that if a permit is granted during the extended term of the lease the lease will continue in force thereafter if the lessee commences operations within sixty (60) days after obtaining a permit and so long as the lessee shall continue drilling operations, or if oil is discovered so long as oil, gas or other mineral is

produced, providing that the lease may be continued by operations if commenced within thirty (30) days after the cessation of production during the primary term, authorizing the Commissioner of the General Land Office to issue to the lessee such instrument in writing in the nature of an extension of the lease as may be necessary or proper to carry into effect the provisions of this Act, repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was passed by the following vote:

Yeas—23

Aikin	Lovelady
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Stone
Fain	Sulak
Formby	Van Zandt
Graves	Vick
Hazlewood	Weinert
Kelley	Winfield
Lanning	York
Lemens	

Nays—2

Moore	Shivers
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Absent

Martin	Ramsey
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Absent—Excused

Hill	Smith
Isbell	Spears

Message from the Governor

The President laid before the Senate and had read the following message:

Austin, Texas,
May 13, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be a Member of the Board of Regents of State Teachers Colleges: To fill the unexpired term of A. H. Eubanks, deceased, term to expire January 10, 1943:

R. T. Craig of Athens, Henderson County, Texas.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

The message was referred to the Committee on Nominations of the Governor.

Senate Concurrent Resolution 57

Senator Hazlewood, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 57, Recalling H. B. No. 922 from the House.

Be it resolved by the Senate, the House of Representatives concurring, That the House be and is hereby requested to return to the Senate, H. B. No. 922, for correction and further consideration.

The resolution was read; and on motion of Senator Hazlewood and by unanimous consent, it was considered immediately.

The resolution was adopted.

Senate Resolution 133

Senator York, by unanimous consent, offered at this time the following resolution:

Whereas, Mrs. Tom Cherry, a teacher in the Giddings high school is in the gallery with the senior class from that school; now, therefore, be it

Resolved by the Senate of Texas, That the Senate express its pleasure at having these visitors, and extend to Mrs. Cherry the privileges of the floor for the day; and, be it further

Resolved, That the Secretary of the Senate be directed to deliver a copy of this resolution to Mrs. Cherry and the president of the Senior class.

The resolution was read; and on motion of Senator York and by unanimous consent, it was considered immediately.

The resolution was adopted.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 518, A bill to be entitled "An Act authorizing the commissioners' courts in all counties having a population of not less than one hundred thousand (100,000) and not more than one hundred ninety thousand (190,000) inhabitants, according to the last preceding Federal census, to determine the maximum annual salary to be paid an officer

named in Section 13 of Chapter 465 of the Acts of the Second Called Session of the Forty-fourth Legislature, where such officer's salary was based upon population under the laws existing on August 24, 1935, on the basis of the population of said county, according to the last preceding Federal census; provided that the commissioners' courts in said counties are authorized to fix the maximum annual salary for the balance of the fiscal year 1941 after the effective date of this Act on the basis of the Federal census of 1940 and thereafter according to the last preceding Federal census; and declaring an emergency."

H. B. No. 861, A bill to be entitled "An Act to amend subdivision 106 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the length of the terms of district court and the time of holding the terms of district court in Terry, Lynn, Garza, Dawson, Gaines, and Yoakum Counties, constituting the 106th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next terms of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under the present law so as to render them available in said counties under this act."

H. B. No. 728, A bill to be entitled "An Act authorizing boards of trustees in all independent school districts located in any county having a population of more than forty-five thousand (45,000) inhabitants and having an assessed valuation of not more than Seven Hundred Seventy-five Thousand (\$775,000.00) Dollars and not less than Five Hundred Fifty Thousand (\$550,000.00) Dollars, to issue refunding warrants to bear interest at the rate of three per centum (3%) per annum, for the purpose of paying salaries of employees of the schools; providing that the total amount of such warrants outstanding shall never exceed Five Thousand (\$5,000.00) Dollars at any given time; providing that such warrants shall be issued serially and paid in order; providing the manner of issuing such warrants and validating the same; providing for the levy of a tax by the board of trustees to

pay the interest on and retire such warrants within a designated time; and declaring an emergency."

H. B. No. 820, A bill to be entitled "An Act for the purpose of better conserving the marine fish resources of this State by placing a closed season on shrimp in the inland salt water of this State during the period of time from and between the 15th day of June and the 31st day of August and during the period of time from and between the 15th day of December and the 1st day of March of any year; providing that shrimp may be taken at any time of the year, with certain tackle, for bait; making it the duty of the Game, Fish and Oyster Commission to classify and reclassify salt-water fish and authorizing the taking of non-game species subject to certain limitations and license; providing a penalty for violations of this Act; providing for the seizing of tackle for evidence; repealing Section 1-D of Article 941 of the Penal Code and all laws conflicting herewith; and declaring an emergency."

H. B. No. 264, A bill to be entitled "An Act to amend Article 4733, Chapter 3, Title 78, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 958, A bill to be entitled "An Act conferring upon the Board of Directors of the Agricultural and Mechanical College of Texas the power of eminent domain to acquire land for the use of the college; and declaring an emergency."

H. B. No. 747, A bill to be entitled "An Act amending H. B. No. 482, Acts of the Forty-sixth Legislature, to include Dimmit County in the provisions of said Act; and declaring an emergency."

H. B. No. 585, A bill to be entitled "An Act making it unlawful to hunt, take or kill any squirrel except during the months of October, November, and December in Cherokee County; providing for a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 959, A bill to be entitled "An Act authorizing the commissioners' court in Jackson County to allow each county commissioner certain expenses in connection with the performance of the duties as road commissioner in addition to the duties as county commissioner; providing

for the payment of the same; and declaring an emergency."

H. B. No. 910, A bill to be entitled "An Act to amend S. B. No. 280, Chapter 166 of the Acts of the Regular Session of the Forty-fourth Legislature, so that the same shall read and provide as hereafter shown, that is, as the same now reads, and by adding a new Section thereto fixing the authority and duties, in certain enumerated cases, of assessors and collectors of taxes in counties having a population of more than five hundred thousand (500,000) inhabitants . . . etc.; and declaring an emergency."

H. B. No. 852, A bill to be entitled "An Act providing that in all counties in this State having a population of not less than six thousand, six hundred and fifty (6,650) nor more than seven thousand (7,000), according to the last preceding Federal census, the county commissioners shall receive an annual salary of One Thousand, Two Hundred (\$1,200.00) Dollars, payable in twelve (12) equal monthly installments out of the general fund of the county or the road and bridge fund of the county; and declaring an emergency."

H. B. No. 899, A bill to be entitled "An Act to provide for traveling expenses for members of the commissioners' courts in certain counties; and declaring an emergency."

H. B. No. 859, A bill to be entitled "An Act making it unlawful to kill quail in Cherokee County except on certain days of the week during the period beginning December 1st and ending January 16th each year; fixing a bag limit; providing a penalty; defining what constitutes hunting; and declaring an emergency."

H. B. No. 118, A bill to be entitled "An Act defining and regulating the sale and/or resale of used and/or second-hand watches in the State of Texas; defining terms used therein; specifying acts constituting offenses and providing penalties therefor; providing that if any provisions of this Act shall be held unconstitutional or invalid, the remainder shall not be affected thereby; and declaring an emergency."

H. B. No. 928, A bill to be entitled "An Act amending Section 4, of Chapter 290, Acts of the Forty-first Legislature, as amended by Section

1, Chapter 130, Acts of the Forty-fifth Legislature, so as to provide for a separate board of trustees for all municipal colleges in the State of Texas, organized prior to the year 1923, etc.; and declaring an emergency."

H. B. No. 833, A bill to be entitled "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 252, Acts of the Forty-fifth Legislature, Regular Session; providing for commissions to be paid to county treasurers in various counties in Texas, etc.; and declaring an emergency."

H. B. No. 914, A bill to be entitled "An Act to amend an Act of the Forty-fourth Legislature, creating a Special Road Law for Childress County, Texas, being Chapter 435, of the General and Special Laws passed by the Forty-fourth Legislature, at its Second Called Session in 1935, by adding thereto four new Sections, authorizing Childress County to fund or refund the warrant indebtedness outstanding against its road and bridge fund as of April 10, 1941, by the issuance of refunding bonds, and setting forth the method of operation; validating all acts of the commissioners' court and of the county officials in authorizing, executing, and delivering said warrants; providing that this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 613, A bill to be entitled "An Act repealing Article 2883a, Chapter 17, Revised Statutes of Texas, Acts of the Forty-sixth Legislature [relative to assignments of wages by teachers]; and declaring an emergency."

H. B. No. 444, A bill to be entitled "An Act to amend H. B. No. 20, Acts of the Forty-sixth Legislature, Regular Session, reciting the legislative determination and declaration of policy; describing the consequence of soil

erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts; providing the manner of election of members of the State Soil Conservation Board; fixing the terms of office and defining the powers and duties of said members of said State Soil Conservation Board; providing for the creation of county soil conservation committees; etc.; providing a separability clause; and declaring an emergency."

H. B. No. 923, A bill to be entitled "An Act amending Article 3259 of the Revised Civil Statutes of Texas of 1925, as amended by Acts 1939, Chapter 1, page 429, H. B. No. 539, relating to Waco State Home, by changing the maximum number of children that may be boarded, at any given time, to twenty (20) such children; emergency clause."

H. C. R. No. 111, Recalling H. B. No. 371 from the Governor.

H. C. R. No. 113, Authorizing the Board of Control to execute an extension of a lease to the City of Austin for a certain tract of land.

H. C. R. No. 122, Authorizing the Board of Regents of North Texas State Teachers College to dispose of a certain tract of land no longer usable to said college.

H. C. R. No. 126, Authorizing correction in enrolled copy of H. B. No. 754.

H. C. R. No. 129, Authorizing the Enrolling Clerk to make certain necessary corrections in H. B. No. 903.

Report of Conference Committee on Senate Bill 282

Senator Brownlee submitted the following report:

Austin, Texas,
May 12, 1941.

Hon. Coke R. Stevenson, President of the Senate,

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Dear Mr. President:

We, your Conference Committee, appointed to adjust the differences between the two Houses on S. B. No. 282, have met and beg leave to recom-

mend that said S. B. No. 282 be passed in the form hereto attached.

Respectfully submitted,

CARRINGTON,
LANSBURY,
LYLE,
STANFORD,
HUGHES,

On the part of the House;

BROWNLEE,
KELLEY,
MARTIN,
FAIN,

On the part of the Senate.

S. B. No. 282, A bill to be entitled "An Act regulating fishing in or on Lake Travis in Travis County and Lake Austin in Travis County, and defining such lakes; providing the gear or tackle that may be used; providing an open season; providing a bag or possession limit for different varieties of fish that may be taken, and providing a total bag limit; providing the length of different varieties of fish that may be taken; repealing all laws in conflict with this Act; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Except during the open season and by means and methods provided in this Act, it shall be unlawful to fish or attempt to take or catch fish, or to have any kind of fishing tackle or gear in possession on or in Lake Travis in Travis County or Lake Austin in Travis County, which are the lakes impounded by Marshall Ford Dam and Tom Miller Dam, both of which dams are situated on the Colorado River in Travis County, Texas.

Sec. 2. Open Season. The open season, or period of time when it shall be lawful to fish or attempt to catch or take fish, or to have fishing tackle or gear in possession, in or on Lake Travis in Travis County or Lake Austin in Travis County shall be from the first day of May to the 31st day of December of any year, both days inclusive.

Sec. 3. Fishing Tackle or Gear Permitted: The fishing tackle or gear permitted to be used to take or attempt to take fish shall be as follows: In Lake Travis in Travis County, ordinary pole and line; rod, reel, and line; set line; hand line; throw line; trot line; and artificial lures. Pro-

viding that no person shall use or have in operation at any one time an aggregate of more than twenty (20) hooks on any or all devices which are permitted to be used.

Sec. 3. (A). The fishing tackle or gear permitted to be used to attempt to take or catch fish on or in Lake Austin shall be not more than two (2) of the same or different types as follows: ordinary pole and line; rod, reel and line; set line; hand line; throw line, and artificial lures when used with fly rod or rod and reel. Except when artificial lures are used, no line shall be equipped with more than two (2) hooks, and only two lines shall be used by one person at the same time. Minnow seines not more than twenty (20) feet in length may be used during the open season only for taking minnows, carp, shad, buffalo fish, and/or gar fish.

Sec. 4. Bag or Possession Limit: It shall be unlawful for any person in any one day to take from or at any time to have in possession on or in, either Lake Travis in Travis County or Lake Austin in Travis County, more than five (5) black bass; eight (8) crappie; eight (8) white bass; ten (10) bream and/or goggle-eye; six (6) catfish; or ten (10) gaspergou; or more than ten (10) in the aggregate of all varieties of fish named in this Section.

Sec. 5. Length of Fish to be Taken: It shall be unlawful to retain or have in possession, any black bass less than eleven (11) inches in length; any crappie less than seven (7) inches in length; any white bass less than eleven (11) inches in length; any catfish less than eleven (11) inches in length; and any gaspergou less than eleven (11) inches in length, taken from Lake Travis in Travis County or Lake Austin in Travis County.

Sec. 6. Penalty: Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars.

Sec. 7. All laws or parts of laws insofar as they conflict with any provision of this Act be and the same are hereby repealed.

Sec. 8. The fact that there are no adequate laws relating to the taking of fish from Lake Travis in Travis County and Lake Austin in Travis

County and the fact that adequate laws regulating fishing in such lakes are desirable, and the further fact that the condition of the calendar of the two Houses is becoming crowded, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill	Smith
Isbell	Spears

Conference Committee on House Bill 238

Senator Van Zandt called up from the President's table for consideration at this time, the request of the House for a Conference Committee on H. B. No. 238.

Senator Van Zandt moved that the request of the House be granted.

The motion prevailed.

Senate Bill 122 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 122 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 122, A bill to be entitled "An Act providing that any person of good moral character who, on May 22, 1937, had been engaged in the practice of architecture in this State

for a period of at least six (6) months prior to said date and who failed to obtain a registration certificate as provided for in Section 7 of Chapter 478, Acts of 1937, Forty-fifth Legislature, may have thirty (30) days from the date upon which this Act goes into effect in which to file with the Board of Architectural Examiners the affidavit and pay the fee of Twenty-five (\$25.00) Dollars in order to obtain a certificate authorizing such person to practice architecture in the State of Texas, as provided in said Act, and further amending said Act; and declaring an emergency."

The bill was read second time.

Senator Sulak offered the following (committee) amendment to the bill:

Amend S. B. No. 122 by adding after the word "Texas" in the second line of Section 1, the following: "as his or her principal vocation," and amend the caption to conform.

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 122 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 122 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill	Smith
Isbell	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill	Smith
Isbell	Spears

Senate Concurrent Resolution 58

Senator Lovelady, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 58, Authorizing Mrs. Mary Lou Kirk to sue the State.

Whereas, It is alleged that during the year of 1939, the city of Temple, a home ruled municipal corporation, constructed a sewage disposal plant outside the city limits of the city of Temple and on land adjacent and beyond the farm and ranch owned by Mrs. Mary Lou Kirk, situated approximately three miles in an easterly direction from the city of Temple, and constructed over the land of Mrs. Mary Lou Kirk two pipe lines leading to said disposal plant; and

Whereas, It is alleged that said construction of said plant and pipe lines leading from the city of Temple of Bell County, Texas, to said disposal plant was under the direction and supervision of the State Health Department of the State of Texas, and subject to the acceptance of said work by said State Health Department, before operation of same should be begun; and

Whereas, It is alleged that after the final construction of said plant and said pipe lines leading thereto, a portion of which said pipe lines were constructed over and across the property of Mrs. Mary Lou Kirk were in a defective condition and not fit for operation, it is contended that

the State Health Department accepted said construction as built by the contractors, and negligently failed to perform its duty to see that said plant and pipe lines leading thereto were in a first class mechanical condition and properly constructed, to eliminate leakage therefrom, and that many leaks and ill-fitted joints in such pipe lines existed over, from, and across the property of Mrs. Mary Lou Kirk, through which, it is alleged, waste material and noxious substances escaped, thereby emitting vile, obnoxious odors, said substance seeping into the earth upon the property of said Mrs. Mary Lou Kirk, becoming intermingled with the water streams and underground water streams upon her land, thereby injuring the health of the said Mrs. Mary Lou Kirk, and the members of her family occupying her residence situated thereon and causing flies, gnats, mosquitoes, and other germ bearing insects to congregate and accumulate upon said property and infest the premises and residence of the said Mary Lou Kirk, and rendering her real estate worthless or greatly diminished in market value, to her damage and injury in the sum of Fifteen Thousand \$15,000.00) Dollars; and

Whereas, It is alleged that the State Health Department refused and still refuses to pay Mrs. Mary Lou Kirk the said sum of Fifteen Thousand (\$15,000.00) Dollars, and the said Mrs. Mary Lou Kirk claims that the State of Texas owes her said sum of Fifteen Thousand (\$15,000.00) Dollars, notwithstanding the refusal of the State Health Department to pay same; but it is distinctly understood that by the adoption of this resolution, the Legislature of Texas does not vouch for or express an opinion as to the truth or falsity of any of the above allegations, but that said allegations are inserted in this resolution merely as a matter of form and upon the representation of Mrs. Mary Lou Kirk, and that upon a trial of the case in the courts, the allegations of fact in this resolution are not to be considered as a legislative expression as to the truth or falsity thereof; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That permission be given to said Mrs. Mary Lou Kirk

to sue the State of Texas in a court of competent jurisdiction in Travis County, Texas, upon said claim above described.

The resolution was read and was referred to the Committee on State Affairs.

Message from the House

The Assistant Reading Clerk of the House was announced and was recognized by the Presiding Officer to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 50, Relative to National preparedness and re-armament program.

S. C. R. No. 51, Relative to lending guard wire to the Cemetery Association of Meridian, Texas.

S. C. R. No. 55, Relating to the observance of National Cotton Week.

The House has concurred in Senate amendments to H. C. R. No. 125, by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 753 by a vote of 108 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 436 by a vote of 113 yeas, 0 noes.

The House has adopted the Conference Committee report on S. B. No. 282 by a vote of 116 yeas, 0 noes.

The House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 184. The following are conferees on the part of the House: Dickens of Bexar, Crosthwait, Hanna, Heflin and Montgomery.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bill 467 on First Reading

Senator Graves moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill	Smith
Isbell	Spears

The following bill then was introduced, read first time and referred to the Committee on Counties and County Boundaries:

By Senator Graves:

S. B. No. 467, A bill to be entitled "An Act authorizing and empowering the commissioners' court in counties having a population of more than three hundred and fifty thousand (350,000) and less than four hundred and fifty thousand (450,000) inhabitants, according to the last preceding Federal Census, to purchase fire trucks and other fire-fighting equipment for the protection and preservation of bridges, warehouses, shops, and/or other property located without the limits of any incorporated city or town; authorizing and empowering the commissioners' court to enter into contracts with any centrally located city in the county for the operation and maintenance of any such fire trucks and equipment; providing that the provisions of this Act are cumulative of all of the laws other than special laws; providing that in the event any Section, subdivision, paragraph, sentence, or clause be held unconstitutional, that the remaining portions thereof shall be valid; and declaring an emergency."

Senate Bill 468 on First Reading

Senator Shivers moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Hill	Smith
Isbell	Spears

The following bill then was introduced, read first time and referred to the Committee on Oil, Gas and Conservation:

By Senator Shivers:

S. B. No. 468, A bill to be entitled "An Act to provide for the validating and making effective, free and discharged, subsequent to March 30, 1925, from the Two (\$2.00) Dollar per acre annual rental payment of certain oil and mineral leases and renewals thereof, heretofore issued on river beds and channels owned by the State of Texas, under Chapter eighty-three of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, and Chapter 140 of the Acts of the Regular Session of the Thirty-ninth Legislature of the State of Texas; and declaring an emergency."

Motion to Take Up Senate Bill 9

Senator Graves moved that the regular order of business be suspended, to permit consideration of S. B. No. 9 at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Aikin	Lanning
Brownlee	Lemens
Chadick	Metcalfe
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	York
Kelley	

Nays—10

Beck	Moffett
Cotten	Moore
Lovelady	Van Zandt
Martin	Weinert
Mauritz	Winfield

Absent

Ramsey	Vick
--------	------

Absent—Excused

Hill	Smith
Isbell	Spears

Recess

On motion of Senator Metcalfe, the Senate, at 12:20 o'clock p. m., took recess to 2:30 o'clock p. m. today.

Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by the President.

Reports of Standing Committees

Senator Brownlee, by unanimous consent, submitted at this time the following report:

Austin, Texas,
May 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. C. R. No. 106, A resolution granting to the City of Austin an easement across the grounds of the State Hospital.

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senator Weinert, by unanimous consent, submitted at this time the following report:

Austin, Texas,
May 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 466, A bill to be entitled "An Act providing for a closed season on wild deer and wild turkey in

Robertson County for a period of four (4) years; etc.; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Vice Chairman.

Senator Shivers, by unanimous consent, submitted at this time the following report:

Austin, Texas,
May 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

H. B. No. 362, A bill to be entitled "An Act creating the Lavaca County Flood Control District in Lavaca County, Texas, and defining its powers; designating the commissioners' court as the governing body of such district and defining the power of such court in connection therewith; providing for the filing of a petition for the issuance of bonds, notice of hearing thereon, for an election therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; defining the duties of the various officials of Lavaca County; providing that State laws applicable to contracts and accounting for funds shall apply to such district; making the Act cumulative of other laws; providing for the use of public property by such district; granting the right of eminent domain; providing laws relating to assessing and collecting State and county current and delinquent taxes shall apply to said district; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Leave of Absence Granted

Senator Martin was granted leave of absence for the balance of today, on account of illness, on motion of Senator Metcalfe.

House Bill 924 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 924 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 924, A bill to be entitled "An Act providing for a closed season on wild deer and wild turkey in Schleicher County for a period of five (5) years; prescribing penalties for the violation of this Act; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 924 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 924 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Hill	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Isbell	Smith
Martin	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Hill	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Isbell	Smith
Martin	Spears

House Bill 181 on Second Reading

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 181 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 181, A bill to be entitled "An Act to amend Section 4, S. B. No. 28, Chapter 2, of the Acts of the Regular Session of the Forty-fourth Legislature, as amended by S. B. No. 485, Chapter 206, of the Acts of the Regular Session of the Forty-fifth Legislature, so as to extend the time of existence of the Special District Court of Rusk County, Texas; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 181 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 181 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Cotten
Beck	Fain
Brownlee	Formby
Chadick	Graves

Hazlewood	Ramsey
Hill	Shivers
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Mauritz	Weinert
Metcalfe	Winfield
Moffett	York
Moore	

Absent—Excused

Isbell	Smith
Martin	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Nays—1

Aikin

Absent—Excused

Isbell	Smith
Martin	Spears

House Bill 937 on Second Reading

On motion of Senator Ramsey and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 937 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 937, A bill to be entitled "An Act providing for a closed season for turkey in Angelina and Tyler Counties for five (5) years; prescribing a penalty for the violation of this Act, and repealing all laws in conflict."

The bill was read second time and was passed to third reading.

House Bill 937 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 937 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Hill	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Isbell	Smith
Martin	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Hill	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Isbell	Smith
Martin	Spears

Senate Bill 243 Tabled

On motion of Senator Metcalfe, S. B. No. 243 was tabled.

House Bill 902 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 902 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 902, A bill to be entitled "An Act amending Section 17a of Chapter 280, Acts of the Regular Session of the Forty-first Legislature, amending Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature; providing that water control and improvement districts may purchase, own and operate fire engines and all necessary fire-fighting equipment and appliances; validating all purchases of fire engines, equipment and appliances heretofore made by water control and improvement districts; providing that nothing in this Act shall amend, alter, repeal or modify S. B. No. 299 or S. B. No. 300, Acts Regular Session, Forty-seventh Legislature; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 902 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 902 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Hill	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Isbell	Smith
Martin	Spears

The President than laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Hill	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Isbell	Smith
Martin	Spears

Signing of Bills and Resolutions

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 483, A bill to be entitled "An Act prohibiting the taking, trapping, or killing of raccoons and mink in the Counties of Guadalupe, Washington, Lee and Burleson for a period of three (3) years; providing a penalty therefor; and declaring an emergency."

H. B. No. 499, A bill to be entitled "An Act to amend the subject matter embraced in Section 13 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended by Section 5 of Chapter 67, Acts of the Forty-fifth Legislature, Regular Session, and Section 7 of Chapter 2, Title: Labor; Acts of the Forty-sixth Legislature, Regular Session, and making provisions relative to the administration of the unemployment compensation administration fund; providing for the care, custody, and expenditure of said fund; providing for reimbursement to the fund for any sums of money not used for proper and efficient administration, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 569, A bill to be entitled "An Act to amend Special Laws,

Acts Forty-second Legislature, page 457, Chapter 236, Section 1, known as Article 1702a, Revised Civil Statutes of Texas, establishing a county law library in certain counties; providing a fund to be raised by collecting costs in certain civil and criminal cases, and for the administration of said fund; providing for appointment of custodian or librarian and assistants; providing for housing and management; and declaring an emergency."

H. B. No. 754, A bill to be entitled "An Act providing that members of the commissioners' court in counties having a population of not less than 5,990 nor more than 6,000 according to the last preceding Federal Census, may receive each, the sum of Twenty-five (\$25.00) Dollars per month for traveling expenses, said sum to be paid out of the road and bridge fund of said county; and declaring an emergency."

H. B. No. 892, A bill to be entitled "An Act making it unlawful to take or kill by trap, snare, or deadfall any fur-bearing animals in the County of Harrison; providing certain exceptions; providing the length of this Act; prescribing a penalty; and declaring an emergency."

H. B. No. 957, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts having a scholastic population, according to the 1940-1941 scholastic census, of not less than seven hundred and seventy-five (775) approved scholastics, whether such school district is organized under general or special law; etc.; and declaring an emergency."

S. C. R. No. 50, Relating to conscription of capital and labor for defense purposes.

S. C. R. No. 51, Authorizing Highway Department to lend guard wire to Meridian Cemetery Association.

S. C. R. No. 55, Relating to the observance of National Cotton Week.

House Bill 73 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 73, relating to the offense of driving while intoxicated, on its passage to third reading; with the following amendment by Senator Chadick pending:

Amend H. B. No. 73 by striking out the words "to such an extent that his driving ability is affected" where single phrase appears on page one, in lines 45 and 46.

Question—Shall the amendment be adopted?

Senator Chadick withdrew the amendment.

On motion of Senator Moore, the caption was amended to conform to the body of the bill as amended.

The bill then was passed to third reading.

House Bill 73 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 73 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Hill	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Isbell	Smith
Martin	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Cotten	Mauritz
Fain	Metcalfe
Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Hill	Stone
Kelley	Sulak

Van Zandt	Winfield
Vick	York

Nays—2

Chadick	Shivers
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Absent

Weinert

Absent—Excused

Isbell	Smith
Martin	Spears

Report of Conference Committee on House Bill 76

Senator Hazlewood called for the consideration of the report of the Conference Committee on H. B. No. 76 at this time.

The President laid before the Senate for further consideration at this time the report of the Conference Committee on H. B. No. 76, remitting penalties and interest on delinquent ad valorem taxes, with motion by Senator Hazlewood to reject the report and refer the differences between the two Houses on the bill to a new Conference Committee, with instructions to include in the bill recommended in their report a provision requiring payment of interest on the delinquent taxes due and remitting only the penalties due on the taxes.

Senator Hazlewood withdrew the motion to refer the differences to a new committee with instructions.

Senator Van Zandt was permitted to withdraw the report.

Senate Bill 466 on Second Reading

On motion of Senator York and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 466 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 466, A bill to be entitled "An Act providing for a closed season on wild deer and wild turkey in Robertson County for a period of four (4) years; prescribing penalties for the violation of this Act; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 466 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 466 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Hill	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Isbell	Smith
Martin	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Hill	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Isbell	Smith
Martin	Spears

Report of Conference Committee on Senate Bill 184

Senator Graves submitted at this time, and moved to adopt, the following report of the Conference Committee on S. B. No. 184:

Committee Conference Room,
Austin, Texas,
May 12, 1941.

Hon. Coke R. Stevenson, President of the Senate,

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sirs:

We, your Conference Committee, appointed to adjust the differences between the two Houses on S. B. No. 184, have met and beg leave to recommend that said S. B. No. 184 be passed in the form hereto attached.

Respectfully submitted,

MOORE,
RAMSEY,
SHIVERS,
WEINERT,
GRAVES,

On the part of the Senate;

HEFLIN,
CROSTHWAIT,
DICKSON of Bexar,
HANNA,
MONTGOMERY,

On the part of the House.

S. B. No. 184, A bill to be entitled "An Act amending Section 1 of Chapter 469, Acts, Regular Session, Forty-fifth Legislature; repealing Section 2 of Chapter 469, Acts, Regular Session, Forty-fifth Legislature; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Section 1, Chapter 469, Acts, Regular Session, Forty-fifth Legislature, be and the same is amended hereby so as to read hereafter as follows:

"Section 1. That the official shorthand reporter of each District Court, Criminal District Court and County Court-at-Law in each county in the State of Texas having a population in excess of two hundred and ninety thousand (290,000) inhabitants, according to the last preceding or any future Federal Census, shall receive a salary of Thirty-six Hundred Dollars (\$36000.00) per annum in addition to the compensation for transcript fees as provided by law. Said salary shall be paid monthly on ap-

proval of the Judge of such court out of the General Fund of the county."

Sec. 2. Section 2 of Chapter 469, Acts, Regular Session, Forty-fifth Legislature, is hereby repealed.

Sec. 3. The crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Hill	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Isbell	Smith
Martin	Spears

House Bill 351 on Second Reading

Senator Metcalfe moved that the regular order of business be suspended, to permit consideration of H. B. No. 351 at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—16

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Formby	Ramsey
Hazlewood	Vick
Hill	Weinert
Kelley	Winfield
Lanning	York

Nays—10

Chadick	Lovelady
Cotten	Shivers
Fain	Stone
Graves	Sulak
Lemens	Van Zandt

Absent

Moore

Absent—Excused

Isbell
MartinSmith
Spears

Reports of Standing Committees

Senator Ramsey, by unanimous consent, submitted at this time the following reports:

Committee Room,
Austin, Texas,
May 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, Your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 467, A bill to be entitled "An Act authorizing and empowering the commissioners' court in counties having a population of more than three hundred and fifty thousand (350,000) and less than four hundred and fifty (450,000) inhabitants, according to the last preceding Federal census, to purchase fire trucks and other fire-fighting equipment for the protection and preservation of bridges, warehouses, shops, and other property located without the limits of any incorporated city or town; authorizing and empowering the commissioners' court to enter into contracts with any centrally located city in the county for the operation and maintenance of any such fire trucks and equipment; providing that the provisions of this Act are cumulative of all of the laws other than special laws; providing that in the event any Section, subdivision, paragraph, sentence, or clause be held unconstitutional, that the remaining portions thereof shall be valid; and declaring an emergency."

Have had the same under consideration, and are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,
May 13, 1941.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 453, A bill to be entitled "An Act fixing the compensation of county officers in all counties in the

State of Texas having a population of more than twenty-nine thousand two hundred and forty (29,240) and less than twenty-nine thousand three hundred and forty (29,340) according to the last preceding Federal census; repealing all laws and parts of laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Aikin, by unanimous consent, submitted the following report:

Austin, Texas,
May 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 866, A bill to be entitled "An Act making an appropriation out of the State Highway fund for refunding donations made for the purpose of making surveys and investigation on Highway No. 22, which work was never accomplished; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Weinert, by unanimous consent, submitted the following report:

Senate Chamber,
Austin, Texas,
May 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. C. R. No. 91, A resolution authorizing the State Board of Control to execute to the City of Austin certain easements.

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senator Beck, by unanimous consent, submitted the following report:

Austin, Texas,
May 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 8, Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas, by adding thereto Section 51-E, providing that all cities and towns in this State shall have power and authority to provide a system of retirement and disability pensions for its employees, provided, however, that no pension system shall be set up in any city until it has been approved at any election by the qualified voters entitled to vote on the question of issuance of tax supported bonds; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication therefor and prescribing the form of ballot.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendments and be printed.

BECK, Chairman.

Second Report of Conference Committee on House Bill 76

Senator Van Zandt submitted the following report of the Conference Committee on H. B. No. 76 in lieu of the report previously submitted by the committee and withdrawn:

Conference Committee Room,
Austin, Texas,
May 12, 1941.

Hon. Homer Leonard, Speaker of the House.

Hon. Coke R. Stevenson, President of the Senate.

Sirs: We, your Free Conference Committee appointed to adjust the differences between the Senate and the House on

H. B. No. 76, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before

July 1, 1941, due the State, any county, common school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State, provided same are paid on or before November 1, 1941; and providing further that this Act releasing penalties and interest shall not apply to cities, towns, and villages, and special school districts, and independent school districts unless, etc.; and declaring an emergency."

Have had the same under consideration and beg to advise that we have reconciled our differences and recommend the passage of said H. B. No. 76 in the form hereto attached.

VAN ZANDT,
HAZLEWOOD,
SHIVERS,
MARTIN,

On the part of the Senate;

DWYER,
MANNING,
HUTCHINSON,
PACE,

On the part of the House.

H. B. No. 76, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before July 1, 1940, due the State, any county, common school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State, provided same are paid on or before November 1, 1941; and providing further that this Act releasing penalties and interest shall not apply to cities, towns and villages, and special school districts, and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred and that an extension of time for the payment of said ad valorem and poll taxes will accelerate the payment thereof, and such governing body has adopted a resolution or ordinance evidencing such finding, and upon the recording of such findings of fact shall have the authority to put in force and effect the provisions hereof as to any such city, town, or village, or special school district, or indepen-

dent school district; providing for the release of costs under certain circumstances; providing that anyone desiring to pay at one time delinquent taxes for one year only wherein such taxes are delinquent for more than one year shall have the right to do so without remission of penalties and interest; providing that any person availing themselves of the provisions of this Act; conditioned that a six (6%) per cent penalty on the total amount delinquent be paid on such property shall be required to pay all delinquent ad valorem taxes due the State and county on any specific piece of property on which such taxes are delinquent before receiving the benefits of this Act; providing that all laws in conflict with this Act are expressly suspended during the term of this Act; providing that if any Section, clause, sentence, paragraph, or part of the Act be judged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of the Act; stating the policy of the Legislature; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That all interest and penalties that have accrued on all ad valorem and poll taxes that were delinquent on or before July 1, 1940, due the State, any county, common school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined sub-divisions of the State (and, subject to the provisions hereinbefore and hereinafter contained, such interest and penalties on delinquent ad valorem and poll taxes due cities, towns, and villages, and special school districts, and independent school districts,) shall be and the same are hereby released, provided said ad valorem and poll taxes are paid on or before November 1, 1941. It is provided that the provisions hereof shall not apply to cities, towns, and villages, and special school districts, and independent school districts, unless and until the governing body of any such city, town, or village, or special school district, or independent school district finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of such delinquent

ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body shall adopt a resolution or ordinance evidencing such finding, and upon the recording of such findings of fact the provisions of this Act shall be in full force and effect as to any such city, town, or village, or special school district, or independent school district. It is hereby expressly and specifically provided that penalties and interest herein released are released only on delinquent ad valorem and poll taxes and on no other taxes.

Sec. 2. That all costs of every kind and character that have accrued or attached or that may hereafter accrue or attach to or by reason of delinquent poll or ad valorem taxes on which said poll or ad valorem tax the interest and penalties have been released by any of the provisions of this Act shall be and the same are hereby released, and no such costs shall hereafter be charged, collected, or accounted for, provided, however, that any costs that are now due and payable to any officer or official shall remain a valid obligation, notwithstanding the provision hereof.

Sec. 3. Anyone desiring to pay at one time all the delinquent taxes for only one year wherein such taxes are delinquent for more than one year shall have the right to pay the same but without remission of penalties and interest; provided however, that any person availing themselves of the benefits of this Act shall be required to pay all delinquent ad valorem taxes due the State and county on any specific piece of property on which such taxes are delinquent before the penalties and interest may be released as herein provided; conditioned that a six (6%) per cent penalty on the total amount delinquent be paid on such property.

Sec. 4. All laws and parts of laws in conflict herewith are hereby expressly suspended during the term of this Act so far as they may affect this Act.

Sec. 5. It is provided further that in case any Section, clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the Section, clause, sentence, paragraph, or

part thereof directly involved in the controversy in which said judgment shall have been rendered.

Sec. 6. This bill is enacted into a law because of the dire need of school districts and other sub-divisions for funds from delinquent taxes to continue to function, and for the further purpose of giving the distressed taxpayers an opportunity to pay their taxes without the burden of the penalties and interest that have accrued, but it shall not be understood from the enactment of this law that it is the policy of the Legislature to continue to remit penalty and interest. The Forty-seventh Legislature here declared that a continuation of the policy of remitting penalty and interest on delinquent taxes would be detrimental to the best interest of this State and would, if continued, lead to still greater delinquencies in tax payments than has ever been in the history of this State.

Sec. 7. The fact that millions of dollars in taxes are now due and have been due to the State and its sub-divisions for many years past, by people who would meet their obligations to the State Government if the heavy costs and penalties and interest were omitted, creates an emergency and an imperative public necessity demanding that the constitutional rule which requires all bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and said Act shall be in force and take effect from and after its passage, and it is so enacted.

The report was read.

Question — Shall the report be adopted?

Motion to Recess

Senator Lovelady moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—10

Beck	Lemens
Formby	Lovelady
Hazlewood	Metcalf
Hill	Winfield
Lanning	York

Nays—15

Aikin	Chadick
Brownlee	Cotten

Fain	Shivers
Graves	Stone
Kelley	Sulak
Martin	Van Zandt
Moffett	Vick
Ramsey	

Absent

Moore	Weinert
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Absent—Excused

Isbell	Smith
Mauritz	Spears

Senator Formby moved to reject the report and to refer the differences between the two Houses on the bill to a new Conference Committee.

Senator Van Zandt moved to table the motion of Senator Formby.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17

Aikin	Lanning
Beck	Lemens
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Graves	Stone
Hazlewood	Van Zandt
Hill	Vick
Kelley	

Nays—9

Brownlee	Sulak
Formby	Weinert
Lovelady	Winfield
Mauritz	York
Metcalf	

Absent

Moore

Absent—Excused

Isbell	Smith
Martin	Spears

Motions to Recess and Adjourn

Senator Lovelady moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to recess was lost by the following vote:

Yeas—12

Beck	Lanning
Chadick	Lemens
Formby	Lovelady

Mauritz
Metcalf
Moore

Weinert
Winfield
York

Nays—15

Aikin
Brownlee
Cotten
Fain
Graves
Hazlewood
Hill
Kelley

Moffett
Ramsey
Shivers
Stone
Sulak
Van Zandt
Vick

Absent—Excused

Isbell
Martin

Smith
Spears

Senator Metcalfe moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to adjourn was lost by the following vote:

Yeas—13

Beck
Chadick
Formby
Hill
Lanning
Lemens
Lovelady

Mauritz
Metcalf
Moore
Weinert
Winfield
York

Nays—14

Aikin
Brownlee
Cotten
Fain
Graves
Hazlewood
Kelley

Moffett
Ramsey
Shivers
Stone
Sulak
Van Zandt
Vick

Absent—Excused

Isbell
Martin

Smith
Spears

Senator Stone moved the previous question on the report, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—12

Brownlee
Cotten
Fain
Graves
Hazlewood
Kelley

Moffett
Ramsey
Shivers
Stone
Van Zandt
Vick

Nays—14

Aikin
Beck
Chadick
Formby
Hill
Lanning
Lemens

Lovelady
Mauritz
Metcalf
Moore
Weinert
Winfield
York

Absent

Sulak

Absent—Excused

Isbell
Martin

Smith
Spears

Question—Shall the report of the Conference Committee be adopted?

Adjournment

Senator Lemens moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—14

Beck
Chadick
Formby
Hill
Lanning
Lemens
Lovelady

Mauritz
Metcalf
Moore
Ramsey
Weinert
Winfield
York

Nays—13

Aikin
Brownlee
Cotten
Fain
Graves
Hazlewood
Kelley

Moffett
Shivers
Stone
Sulak
Van Zandt
Vick

Absent—Excused

Isbell
Martin

Smith
Spears

The Senate, accordingly, at 4:20 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

In Memory of
Mr. J. Lambert Nelson

Senator Lanning, by unanimous consent, offered the following resolution:

(Senate Resolution 132)

Whereas, On the seventh day of May, 1941, our Great Heavenly Father, in His Infinite Wisdom, translated the gentle spirit of J. Lambert Nelson, of Victoria, Texas, a nephew of our distinguished colleague, Senator Fred Mauritz; and

Whereas, He was a World War veteran and was as great a hero as any who gave their lives in the defense of liberty; and

Whereas, He did not reach the evening of life, but was called from labor to rest at the noontime of life; and

Whereas, God does not measure life by days and years, but rather by deeds and hopes; and

Whereas, He finished life's tasks at the meridian of life; and

Whereas, He lived a full, useful and unselfish life; therefore, be it

Resolved, That we extend to his family and friends our heartfelt sympathy in their loss, that a copy of this resolution be spread in the Senate Journal in memory of J. Lambert Nelson, and that the Secretary of the Senate be instructed to furnish copies of this resolution to the membership of his family.

LANNING,
METCALFE,
GRAVES,
VICK,
LEMENS.

Signed.—Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Ramsey, Shivers, Smith, Spears, Stone, Sulak, Van Zandt, Vick, Weinert, Winfield and York.

On motion of Senator Metcalfe, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.